

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RUTH SMITH, Individually and as Widow for the)
Use and Benefit of Herself and the Next Kin of)
Richard Smith, Deceased,)
Plaintiff,) Civil No. 3:05-0444
v.) Judge Aleta A. Trauger
PFIZER, INC., *et al.*,) (Dist. Of MA No.
Defendants.) 1:05-cv-11515PBS)

**DECLARATION OF MARK S. CHEFFO IN SUPPORT OF
DEFENDANTS' MOTION *IN LIMINE* TO EXCLUDE TESTIMONY
OF DAVID FRANKLIN AND EVIDENCE OF THE *FRANKLIN* LITIGATION**

I, Mark S. Cheffo, declare and state as follows:

1. I am a partner with the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, counsel for Defendants Pfizer Inc and Warner-Lambert Company LLC. I make this declaration based on my own personal knowledge and information.
2. Attached as Exhibit A is a true and correct copy of excerpts from the December 18, 2009, deposition of David Franklin.
3. Attached as Exhibit B is a true and correct copy of excerpts from the September 12, 2000, deposition of David Franklin.
4. Attached as Exhibit C is a true and correct copy of the Disclosure of Information of David P. Franklin in *United States ex rel. Franklin v. Parke-Davis, Division of Warner-Lambert Company, & Pfizer Inc.*, No. 1:96-CV-11651-PBS (D. Mass filed Aug. 13, 1996).
5. Attached as Exhibit D is a true and correct copy of excerpts from the September 13, 2000, deposition of David P. Franklin.
6. Attached as Exhibit E is a true and correct copy of excerpts from the November 21, 2000, deposition of David P. Franklin.

Signed under the penalties of perjury this 16th day of April, 2010.


Mark S. Cheffo

CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of April 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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